IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.585 OF 2006

M/s. R.R. Sales Corporation. ...Petitioner.
Vs.
Managing Director, Haldyn Glass Ltd. ...Respondent.
....
Mr.R. D. Gaonkar i/b. Mr.Vijay S. Gharat for the Petitioner.
Mr.Subhash Singh i/b. G. Pillai for the Respondent.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.
16th March 2007.

P.C.:

The claim in paragraph 9 of the Company Petition is on account of delayed payment that was made towards goods sold, supplied and delivered.The total amount claimed by way of interest is Rs.2,19,883/-.The defence of the Company is that on 20th October 2004, a partner of the Petitioner had agreed to give a discount at the rate of 20% of the basic amount of Rs.3,63,446/- and and a credit note of Rs.72,689/- was issued in full and final settlement of all the dues. Accordingly, it has been stated that all the outstanding dues of Rs.3,49,325/- were paid by the Respondent to the Petitioner. A statement of account is annexed at Exh.5 to the Reply.

In these circumstances, it cannot be said that there is a debt due and payable. The Petitioner would be at liberty to institute a civil suit for the recovery of the alleged dues on account of interest.

The petition is accordingly dismissed.

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